

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of Violations of Articles 17 and 24 of the
Environmental Conservation Law ("ECL") and
Part 663 of Title 6 of the Official Compilation of Codes
Rules and Regulations of the State of New York ("6NYCRR"),

ORDER ON CONSENT
Case No. R3-20080229-14,
R3-20080229-14-A15,
R3-20030930-124

by:

Village of Kiryas Joel,

Respondent.

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WHEREAS:

1. The Department of Environmental Conservation ("DEC" or "the Department") is a Department of the State of New York with jurisdiction to enforce the environmental laws of the State pursuant to Environmental Conservation Law ("ECL") §3-0302.

2. DEC has jurisdiction over Freshwater Wetlands pursuant to ECL Article 24.

3. DEC has jurisdiction over Water Pollution Control pursuant to ECL Article 17.

4. Respondent Village of Kiryas Joel is a municipal corporation maintaining offices in the Town of Monroe, Orange County, New York. Respondent Village of Kiryas Joel is the owner of property near Meron Drive and Bakertown Road, upon which is located Freshwater Wetland MO-11. The Village of Kiryas Joel is subject to the Municipal Separate Storm Sewer System ("MS4") program pursuant to ECL Article 17.

FRESHWATER WETLAND MO-11 VIOLATIONS

5. By inspections conducted on August 14, 2003 and August 21, 2003, Department staff documented violations of 6 NYCRR §663.4(d) (*items 20, 30, and 38*) as a well was drilled in Freshwater Wetland MO-11 and/or the adjacent area, sediment was deposited and fill was

placed in two areas of Freshwater Wetland MO-11 and/or in the adjacent area, without obtaining required permits.

6. By inspections conducted on August 14, 2003 and August 21, 2003, Department staff determined that a culvert on Meron Drive was installed improperly and without the required ECL Article 24 permit by a private entity not affiliated with Respondent, in violation of 6 NYCRR §663.4(d) (*item 20*). The culvert is not installed properly to allow passage of aquatic organisms.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) VIOLATIONS

7. The Village of Kiryas Joel has responsibility for enforcement of the MS4 requirements regarding private companies operating in the boundaries of the Village, including Minimum Measure Four "*Construction Site Stormwater Runoff Control - SWMP Development / Implementation*".

8. By inspections conducted on May 4, 2006; May 22, 2006; June 1, 2006; and March 29, 2007, Department staff documented violations of ECL §17-0803 and permit GP-02-02 due to inadequate sediment and erosion control at the Affordable Housing Construction LLC construction project which is identified as owned and/or operated by Jake Sofer, on private property located on County Route 44, Village of Kiryas Joel.

9. By an inspection conducted on January 15, 2008, Department staff documented violations of ECL §17-0803 and permit GP-02-02 due to inadequate sediment and erosion control at the Acres Road construction project which is identified as owned and/or operated by Mayer Indig, MYM Management Corporation, on private property located on Acres Road, Village of Kiryas Joel on Meron Drive, Village of Kiryas Joel.